



Republic of the Philippines

**Department of Environment and Natural Resources
BIODIVERSITY MANAGEMENT BUREAU**

Ninoy Aquino Parks and Wildlife Center

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SC70 Doc. 56

Annex 12

JUL 10 2018

MR. DAVID MORGAN

Officer-in-Charge and

Chief, Governing Bodies and Meeting Services

CITES

E-mail: info@cites.org

Dear **Mr. Morgan**,

In response to the CITES Notification to the Parties No. 2018/040, please find attached the Philippines' submission relative to the implementation of Resolution Conf. 9.14 (Rev. CoP17) and measures to prevent and combat rhinoceros poaching and trafficking in rhinoceros horn. Please be informed that the Philippines has six (6) pieces of confiscated rhinoceros horns. These horns were confiscated by the Bureau of Customs, and turned over ~~to~~ this Office last February 27, 2017. The detailed information of these specimens are provided in page nine (9) of the attached report.

Thank you.

Very truly yours,


ARMIDA P. ANDRES
OIC Assistant Director

**Questionnaire on the implementation of Resolution Conf. 9.14 (Rev. CoP17) and
measures to prevent and combat rhinoceros poaching and trafficking in rhinoceros horn**

Please provide as much information as possible in answer to the questions below. Where specified within the questions, please report on any actions taken since the 17th meeting of the Conference of the Parties (CoP17, Johannesburg, 2016). In all other questions, information requested is not time bound.

Country	Philippines
Function of agency completing this questionnaire	CITES Management Authority for Terrestrial Species
Contact details of agency/agencies completing this questionnaire	+63(2) 920 4417 Biodiversity Management Bureau- Department of Environment and Natural Resources (BMB-DENR)
Contact person (name, email, job title, function)	Crisanta Marlene P. Rodriguez OIC-Director BMB-DENR

Question 1.	INVESTIGATIONS, (Please do NOT provide any nominal or other sensitive information that might jeopardise or impede ongoing or future investigations or prosecutions)
1.1.	<p>Has your country developed and implemented any law enforcement strategies to combat, as applicable, rhinoceros poaching and illegal trade in rhinoceros horn?</p> <p><u>Yes / No</u></p> <p>If 'yes', please provide details of such law enforcement strategies and associated activities conducted.</p>

Yes, but not specific for illegal trade of rhinoceros horn. The Philippines has implemented various strategies in combating illegal trade of wildlife and its by-products and derivatives, as follows:

- Continuous operation and mobilization of the Philippine Operations Group on Ivory and Illegal Wildlife Trade (POGI). POGI was created to apprehend violators, confiscate undocumented wildlife, their by-products and derivatives and file cases with the Office of the Prosecutor.
- Capacity building of personnel/officers of the DENR and partner agencies/organizations on wildlife law enforcement. Our training programmes include the *Training of Trainers (TOT) on the Application of the Wildlife Law Enforcement Manual of Operations*. This training aimed, among others, to: i) promote better understanding of Republic Act 9147 (Wildlife Resources Conservation and Protection Act) and enhance capacity of Wildlife Enforcement Officers (WEOs) and partners from various agencies/organizations, including local government units and the civil society in the enforcement of the said law following the standards and protocols provided in the Manual; and, ii) develop a pool of trainers who can assist the Bureau in disseminating the provisions of RA 9147 and in building enforcement network in the country;
- Conduct of seminars on national and international policies on the trade of wildlife, wildlife by-products and derivatives for authorities at major air and sea ports as part of our "Stop Illegal Wildlife Trade" campaign. Initiated in 2015, this campaign aims to contribute in addressing illegal wildlife trade and to raise awareness on the importance of wildlife heritage; and,
- Development of Wildlife Law Enforcement Plan (WildLEAP, 2018-2028). The WildLEAP is the country's national framework in combating illegal activities against wildlife, especially illegal wildlife trade. It supports and complements actions on strengthening law enforcement envisioned under the Philippine Biodiversity Strategy and Action Plan. It is meant to serve as guide in prioritizing enforcement activities, allocating/sourcing funds, and evaluating the impacts of enforcement work in the country.

If 'no', please indicate the reason why such strategies have not been considered, and if the development and implementation of such strategies is expected in future.

1.2.	<p>Has your country adopted legislation or drawn upon existing legislation to facilitate the use of specialized investigation techniques such as controlled deliveries and covert investigations, where appropriate, in support of conventional investigation techniques, in particular for offences related to the illegal killing of rhinoceroses and the trafficking of rhinoceros horns?</p> <p>Yes / <u>No</u></p> <p>If 'yes', please provide details below of:</p> <ul style="list-style-type: none"> i. titles; ii. date of enactment ; iii. provisions of such legislation; iv. examples where such legislation has been utilised. <p>If 'no', please outline below any barriers or obstacles there may be in adopting such legislation, and any support that might be needed to overcome them.</p> <p>The Philippines is not a range state of rhinoceros. It does not also import live rhinoceros for whatever purpose. Thus, it is unlikely that illegal killing of rhinos in the Philippines would occur. The Philippines has intercepted illegally traded rhino horns only once. We may apply the "controlled delivery" strategy of the Bureau of Customs in case of any illegal shipment of rhino horns into the Philippines in the future.</p>
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1.3	<p>Has your country used any other legislative tools and regulations, such as anti-money laundering and asset forfeiture legislation, in support of wildlife legislation, to address rhinoceros poaching and illegal trade in rhinoceros horn and other parts or derivatives, as applicable to your country?</p> <p>Yes / <u>No</u></p> <p>If 'yes', please provide details below of the titles, date of enactment and provisions of such legislation, as well as examples where such legislation has been utilised.</p> <p>If 'no', please outline below any barriers or obstacles there may be in adopting or applying such legislation, and any support that might be needed to overcome them.</p> <p>In 2015, the Anti-Money Laundering Council (AMLC) referred a case to this Office involving a foreign national who has allegedly been exporting edible bird's nests from the Philippines to Hongkong for ten (10) years. Upon investigation, no positive lead was established to link illegal wildlife trade to money laundering.</p> <p><small>**The Anti-Money Laundering Council (AMLC) was created pursuant to Republic Act No. 9160, otherwise known as the "Anti-Money Laundering Act of 2001" (AMLA), to protect the integrity and confidentiality of bank accounts and to ensure that the Philippines shall not be used as a money laundering site for the proceeds of any unlawful activity.</small></p> <p><small>The AMLC is the Philippines' Financial Intelligence Unit (FIU) tasked to implement the AMLA, as amended by Republic Act Nos. 9194, 10167, and 10365, as well as Republic Act No. 10168, otherwise known as the "Terrorism Financing Prevention and Suppression Act of 2012".</small></p>
1.4	<p>Has your country shared information and cooperated with other source, transit or destination countries, or international law enforcement organizations, and was any mechanisms such as those provided for in the United Nations Convention against Transnational Organized Crime (UNTOC) and the United Nations Convention Against Corruption (UNCAC) mobilized to address individuals or groups suspected of involvement in rhinoceros poaching or the illegal trade in rhinoceros parts and derivatives, including conducting cross-border investigations?</p> <p>Yes / <u>No</u></p> <p>If 'yes', please provide outline below details of such operations and their outcomes.</p> <p>If 'no', please outline below any barriers or obstacles your country may have encountered in encouraging further information sharing and cooperation with other countries, and as any support that might be needed to overcome them.</p> <p>The DENR-Biodiversity Management Bureau is still seeking detailed information/documents from the Bureau of Customs in relation to the six (6) rhinoceros horns confiscated by the latter. We will communicate with INTERPOL through the National Central Bureau</p>

	for assistance in investigation; case information/documents from the BOC will provide the name/s of foreign individual/s or entity/(ies) involved in the smuggling of said rhinoceros horns in the Philippines.
Question 2.	LEGISLATION
2.1	<p>Has your country enacted and implemented comprehensive legislation and enforcement controls, including internal trade restrictions and penalties aimed at reducing illegal trade in rhinoceros parts and derivatives, and including any specimen that appears from an accompanying document, the packaging, a mark or label, or any from any other circumstances, to be a rhinoceros part or derivative?</p> <p><u>Yes / No</u></p> <p>If 'yes', please elaborate below on enforcement controls implemented and the titles, date of enactment and provisions of such legislation, penalties (can fines, custodial sentences, and asset forfeiture, as appropriate, be imposed, as well as any exemptions that might apply). If such legislation is publicly available, please provide a copy of such legislation as an attachment or indicate how it can be accessed by providing a web link or reference.</p> <p>Title: Wildlife Resources Conservation and Protection Act of 2001 (Republic Act 9147) <i>[Note: RA 9147 is not specific for rhinoceros, but for all wildlife, their by-products and derivatives]</i></p> <p>Enacted: 30 July 2001</p> <p>Pertinent Provisions:</p> <p>Section 30. Designation of Wildlife Law Enforcement Officers (WEOs). The Secretary of the Council or their authorized representative shall deputize as Wildlife Enforcement Officers (WEOs). The Philippine National Police (PNP), the Armed Forces of the Philippines (AFP), the National Bureau of Investigation (NBI) and other law enforcement agencies shall designate wildlife enforcement officers. As such, the wildlife enforcement officers shall have the full authority to seize illegally traded wildlife and to arrest violators of this Act subject to existing laws, rules and regulations on arrest and detention.</p> <p>Section 33. Creation of Wildlife Traffic Monitoring Units. The Secretary shall create wildlife traffic monitoring units in strategic air and seaports all over the country to ensure the strict compliance and effective implementation of all existing wildlife laws, rules and assigned at air or seaports who may have intercepted wildlife commodities in the discharge of their official functions shall, prior to further disposition thereof, secure clearance from the wildlife traffic monitoring unit assigned in the area.</p> <p>The provisions on illegal acts and penalties are provided in Sections 27 and 28 of the law, respectively.</p>

	<p>Copy of Republic Act 9147 can be accessed through our website at www.bmb.gov.ph or through the internet.</p> <p>If 'no', please explain what measures have been implemented, and any support that might be needed to put in place such comprehensive legislation and enforcement controls.</p>
2.2	<p>Has your country enacted legislation that prohibits possession of rhinoceros parts and derivatives acquired in violation of the Convention?</p> <p><u>Yes</u> / No</p> <p>If 'yes', please provide details below of the titles, date of enactment and provisions of such legislation, including penalties (fines, custodial sentences, and asset forfeiture) that can be imposed, as well as any exemptions that might apply. If such legislation is publicly available, please provide a copy of such legislation as an attachment or indicate how it can be accessed by providing a web link or reference.</p> <p>Title: Wildlife Resources Conservation and Protection Act of 2001 (Republic Act 9147) <i>[Note: RA 9147 is not specific for rhinoceros, but for all wildlife, their by-products and derivatives]</i></p> <p>Enacted: 30 July 2001</p> <p>Provisions:</p> <ul style="list-style-type: none"> - Section 9. Collection and/or Possession of By-products and derivatives. By-products and derivatives may be collected and/or possessed. Provided, that the source was not obtained in violation of this Act."

	<table border="1"> <tr> <th rowspan="2">Illegal Act</th><th colspan="2">Critically Endangered Species (including CITES Appendix I species such as the rhinoceros)</th></tr> <tr> <th>Minimum</th><th>Maximum</th></tr> <tr> <td>(f) collecting, hunting, or possessing wildlife, their by-products and derivatives;</td><td>(a) imprisonment of two (2) years and one (1) day and a fine of Thirty Thousand Pesos (P30,000.00)</td><td>(a) imprisonment of four (4) years and a fine Three Hundred Thousand Pesos (P300,000.00)</td></tr> </table> <p>If 'no', please explain below how possession and utilization of rhinoceros parts and derivatives is regulated in your country.</p>	Illegal Act	Critically Endangered Species (including CITES Appendix I species such as the rhinoceros)		Minimum	Maximum	(f) collecting, hunting, or possessing wildlife, their by-products and derivatives;	(a) imprisonment of two (2) years and one (1) day and a fine of Thirty Thousand Pesos (P30,000.00)	(a) imprisonment of four (4) years and a fine Three Hundred Thousand Pesos (P300,000.00)
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Question 3.	PROSECUTIONS								
3.1.	<p>Please provide details of prosecutions that have been initiated in your country <u>since October 2016</u> related to the illegal killing of rhinoceroses or illegal possession of and trade in rhinoceros horns, including dates, quantities and types of specimens involved, outcomes (successful or not), penalties imposed, prosecution rates, etc.</p> <p>No case/complaint filed involving illegal killing of rhinoceros or illegal possession of and trade in rhinoceros horns.</p>								
3.2	<p>If any measures have been implemented in your country that contributed to an increase in the number of successful prosecutions concerning the illegal killing of rhinoceroses or illegal possession of and trade in rhinoceros horns, please share information about these measures.</p> <p>N/A</p>								

3.3	<p>Please outline below any barriers or obstacles there may be in securing successful prosecutions or deterrent penalties in your country concerning the illegal killing of rhinoceroses or illegal possession of and trade in rhinoceros horns, and any support that might be needed to overcome them.</p> <p>N/A</p>
Question 4.	DNA FORENSICS
4.1.	<p>Does your country routinely collect samples from rhinoceros parts and derivatives seized for forensic analysis?</p> <p>Yes / <u>No</u></p> <p>Please provide information on any samples collected <i>since October 2016</i>. Kindly also provide information on the methodology by which sample collection takes place, the chain of custody of samples, whether the samples have been submitted for analysis and the feedback from analysis.</p> <p>Please outline below any barriers or obstacles there may be in developing and adopting policies that allows for routine collection of samples from rhinoceros parts and derivatives for forensic analysis, as well as any support that might be needed to overcome them.</p> <p>We have communicated with the CITES Secretariat last 25 June 2017 seeking advice on potential facilities that can be tapped for the conduct of DNA testing on the six (6) rhino horns in our custody; we have not received response from the CITES Secretariat yet.</p>
4.2.	<p>Has your country to date in any way used the <i>Form for collection and sharing of data on rhinoceros horn seizures and on samples for forensic analysis</i> provided in the Annex to Resolution Conf. 9.14 (Rev. CoP17) <i>Conservation of and trade in African and Asian rhinoceroses</i>, to collect and share information about seizures of rhinoceros specimens?</p> <p><u>Yes</u> / No</p> <p>If 'yes', please indicate whether you have communicated with the country of origin?</p> <p>Yes, using the report format provided in CITES Notification No. 2017/080; has not been communicated with the reporting country of origin yet.</p>

	If 'no', please outline below any barriers or obstacles encountered in using the Form, and any support that might be needed to overcome them.																																					
Question 5.	RHINO HORN STOCK MANAGEMENT																																					
5.1.	<p>Does your country have legislation, regulations or administrative measures in place to ensure that stocks of rhinoceros horn are identified, marked, registered and secured, pursuant to Resolution Conf. 9.14 (Rev. CoP17) on <i>Conservation of and trade in African and Asian rhinoceroses</i>?</p> <p><u>Yes/No</u></p> <p>If 'yes', please provide details below of the provisions of the measures.</p> <p>The country has no specific legislation and regulations on stock management of rhino horns but we do have administrative measures to ensure that rhinoceros horns are identified, marked, registered and secured. The Philippines through the Biodiversity Management Bureau, the CITES Management Authority for Terrestrial Species has a secured facility intended for confiscated wildlife by-products and derivatives of CITES listed species (e.g. ivory, rhino horn).</p> <p style="text-align: center;">INVENTORY FOR THE DECLARATION OF RHINOCEROS HORN</p> <table border="1"> <thead> <tr> <th>Identification Number</th><th>Date received</th><th>Country of Origin</th><th>Type of specimen</th><th>Acquisition</th><th>Weight (kg)</th></tr> </thead> <tbody> <tr> <td>1. 6312RHS1 MO-001/4.79</td><td>February 27, 2017</td><td rowspan="6">Unknown; allegedly shipped from Maputo City, Mozambique, Africa</td><td>whole</td><td>seized</td><td>4.75</td></tr> <tr> <td>2. 6312RHS1 MO-002/4.16</td><td>February 27, 2017</td><td>whole</td><td>seized</td><td>4.12</td></tr> <tr> <td>3. 6312RHS1 MO-003/1.63</td><td>February 27, 2017</td><td>whole</td><td>seized</td><td>1.63</td></tr> <tr> <td>4. 6312RHS1 MO-004/1.01</td><td>February 27, 2017</td><td>whole</td><td>seized</td><td>1.01</td></tr> <tr> <td>5. 6312RHS1 MO-005/0.93</td><td>February 27, 2017</td><td>whole</td><td>seized</td><td>0.93</td></tr> <tr> <td>6. 6312RHS1 MO-006/0.32</td><td>February 27, 2017</td><td>whole</td><td>seized</td><td>0.32</td></tr> </tbody> </table>	Identification Number	Date received	Country of Origin	Type of specimen	Acquisition	Weight (kg)	1. 6312RHS1 MO-001/4.79	February 27, 2017	Unknown; allegedly shipped from Maputo City, Mozambique, Africa	whole	seized	4.75	2. 6312RHS1 MO-002/4.16	February 27, 2017	whole	seized	4.12	3. 6312RHS1 MO-003/1.63	February 27, 2017	whole	seized	1.63	4. 6312RHS1 MO-004/1.01	February 27, 2017	whole	seized	1.01	5. 6312RHS1 MO-005/0.93	February 27, 2017	whole	seized	0.93	6. 6312RHS1 MO-006/0.32	February 27, 2017	whole	seized	0.32
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	<p>If 'no', please outline below any barriers or obstacles encountered in providing these measures, and any support that might be needed to overcome them.</p>
5.2.	<p>Has your country declared these stocks to the Secretariat in accordance with the provisions of Resolution Conf. 9.14 (Rev. CoP17), paragraph 2. a)?</p> <p><u>Yes/No</u></p> <ul style="list-style-type: none"> - The Philippines through this Bureau has submitted an inventory report on its government-held stockpile of rhinoceros horns in a format provided by the CITES last 21 February 2018. <p>If 'no', please outline below any barriers or obstacles encountered in providing these measures, and any support that might be needed to overcome them.</p>
5.3	<p>Has your country implemented national level measures for the management of imported rhinoceros trophies, including addressing the issue of alteration and transfer of such trophies, to ensure the rhinoceros horns acquired as legal hunting trophies remain in lawful possession pursuant to Resolution Conf. 9.14 (Rev. CoP17) on <i>Conservation of and trade in African and Asian rhinoceroses</i>?</p> <p>If 'yes', please provide details below of the provisions of the measures and describe successes and/or challenges of their implementation.</p> <ul style="list-style-type: none"> - For the importation of any wildlife by-products and derivatives, The Philippines has an existing measures, to wit: <p>Section 8 of the DENR Administrative Order No. 55, Series of 2004 "DENR Streamlining/Procedural Guidelines pursuant to the Joint DENR-DA-PCSD Implementing Rules and Regulations of Republic Act 9147 otherwise known as "Wildlife Resources Conservation and Protection Act", states that the exportation and importation of wildlife, its by-products and derivatives acquired from legal sources shall be allowed upon prior issuance of an export or import permit by the DENR. For re-exportation of wildlife, re-export permit shall be issued for specimens either covered by an import permit from the DENR or other proofs of acquisition from legal sources. For species listed under Appendices of CITES, Export/Import/Re-export Permit shall be issued by the Protected Areas and Wildlife Bureau (now the Biodiversity Management Bureau).</p> <p>The Philippines has not issued any import or re-export permit for rhinoceros horns.</p> <p>If 'no', please outline any barriers or obstacles encountered in providing these measures, and any support that might be needed to overcome them.</p>